

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Tuesday
May 28th, 2019**

MEMBERS PRESENT:

Joseph Knowles, President
Ed Kisselback, Vice President
Joseph Pilieri, Secretary
Jesse Sloane, Member
Ed Tokmajian, Member

ALSO PRESENT:

Mayor Joseph DiGirolamo
Joseph Pizzo, Township Solicitor
Debora McBreen, Council Clerk/Recording Secretary
Harold Gans, Township Engineer

1. PLEDGE OF ALLEGIANCE:

Council President Knowles opened the meeting with a moment of silence which was followed by the Pledge of Allegiance.

2. PUBLIC COMMENT:

Council President Knowles invited Public Comment on Agenda items, but no one came forward and the first of two public portions was closed.

PLEASE NOTE:

The minutes are not verbatim but rather a synopsis of what transpired during the meeting, and while I do my best to attribute remarks and questions to the correct individual, there may be mistakes or omissions because of the “back and forth” dialogue and the lack of the use of the microphones.

3. APPROVAL OF COUNCIL MINUTES:

Council Secretary Pilieri motioned to approve the Minutes of *April 8th, 2019*, **Council Member Tokmajian** seconded and the motion carried 5-0.

4. **RECOGNITION OF THE BENSALEM HIGH SCHOOL ROBOTICS TEAM:**

Certificates from the Mayor and Council were distributed to each member of the Robotics Team 5401 congratulating them on their accomplishment regarding the FIRST Robotics Competition held in Detroit. Bensalem High School Robotics Team ranked fourth in the world and have achieved the title of “Tesla Division Winners”.

5. **CONSIDERATION OF A TRAFFIC ORDINANCE:**

Solicitor Pizzo indicated that Administration received several complaints about cars parking on the side of Brookwood Drive which was causing an obstruction of the view for vehicles exiting Fairway Road as well as obstructing the flow of traffic on Brookwood. Following the review and analysis by Norm Muller, township Traffic Safety Officer, recommendation was provided to Administration consistent with the ordinance before council to make the northbound side of Brookwood Drive, No Parking, No Stopping, No Standing anytime 50 ft. before and 50 ft. after the intersection of Fairway Road. The ordinance before council has been properly advertised and is in a form acceptable for council’s consideration. **Council Member Sloane** asked about a different intersection and **Council President Knowles** indicated that he can submit a complaint regarding that portion of the road. **Council Secretary Pilieri** indicated that he thought the wordage of No Stopping, No Standing was incorrect and needed to be changed. **Council Member Tokmajian** asked if the cause of the parking was from the adjacent apartment complex. **Solicitor Pizzo** indicated that regardless of where the cars are coming from, if the street is legal to park on, then the vehicles can park there. **Solicitor Pizzo** indicated that to Mr. Pilieri’s point if the concern is if cars are parked there and making a long term obstruction of view but stopping and standing is not something that council collectively wishes to have prohibited then the ordinance can be revised to make the signs simply read No Parking. A conversation ensued regarding the wordage of the ordinance and how council wanted it to read. **Council Vice President Kisselback** made a motion to have the ordinance revised to read No Parking, Council Member Tokmajian seconded, the vote carried 5-0.

Public Comment:

Barbara Manolakis, 3210 Fairway Road, thanked council for passing the ordinance and continued to say that the manager of the apartment complex has made Brookwood Drive an overflow parking lot for the complex. The area is very dangerous with the cars parking along there, and it is so bad that there is a black pick-up who parks at the very corner blocking the disabled ramp. Mrs. Manolakis indicated that the temporary signs have alleviated the situation somewhat but people are moving the temporary signs or knocking them over to accommodate that spot for parking, so the sooner the permanent parking signs are put up better and safer for that neighborhood. Mr. Manolakis asked if a complete study could be done along Brookwood Drive all the way down to Street Road where there would be safety concerns.

6. **CONSIDERATION OF AN ORDINANCE VACATING AND ABANDONING MCKAY AVENUE:**

Mr. Joseph Ramagli representative for the petitioners and their petition to vacate and abandon McKay Avenue which is a paper street abutting Tennessee Avenue. The petitioners are the owners of the three abutting properties. The proposal is McKay Avenue is vacated in favor of tax parcel 2-55-834, they will get approximately 25 ft. x 100 ft. plus another 50 ft. x 88 ft. lot to the top. Tax parcel 2-55-833 would get 25 ft. x 100 ft. which is where the driveway already exists. Also, there would be a utility easement granted to tax parcel 2-55-834. The reason for vacating McKay Avenue are various, there is a hardship with parking on this property and the only paved portion is the portion abutting tax parcel 2-55-833. There is often parking issues and fortunately the neighbors get along fine. Tax Parcel 2-55-834 has no frontage to their property and if this petition is granted, they will be looking to put in a paved driveway, which they will be applying for the proper permits. Also, the mailman cannot get to the back property, tax parcel 2-55-834, mail is often delivered to the front property, tax parcel 2-55-832, and that will be resolved and they will be able to put a mailbox on the front of their property. If approved Mr. Ramagli would prepare an agreement letter for tax parcel 2-55-832, who has no interest in any of the property. A conversation ensued regarding easements, driveways, and property frontage along with sewer lines.

Council President Knowles invited public comment, seeing no one come forward the public portion was closed.

Council Member Tokmajian motioned to approve the ordinance as written with the exception of Engineer Gans' suggestion regarding the sanitary sewer line easement and the correction to the parcel numbers, **Council Member Sloane** seconded and the motion carried 5-0.

7. **CONSIDERATION OF A LOT LINE CHANGE:**

Applicant:	Thomas Snyder
Site Information:	2509, 2519 & 2529 Hulmeville Road
Proposed Use:	Single Family Dwelling
Zoning Classification:	R-2 (Residential)
Tax Parcel:	2-32-97, 98, 99 & 100

Attorney **Michael Meginnis** appeared for the applicant and submitted Proof of Notification that was deemed acceptable. **Mr. Meginnis** advised that his client is requesting a lot line change to fix what has been a long standing problem with the three properties. The applicant would like to create a 90° perpendicular lot line instead of the strange split that cuts through all three lots. The applicant would like to reconfigure the lot lines to have even shaped lots.

A lengthy conversation ensued regarding storm water management. **Mr. Meginnis** indicated that the applicant was not before council for a sub-division but to clean-up property irregularities. **Council Secretary Pilieri** asked the applicant if he had looked at the lot lines before building on the property. **Mr. Snyder** indicated that after he built the two houses on either side of the middle lot, the third house would not fit properly on the property unless he submitted for a lot line change. The applicant was looking only to straighten out the property lines.

Mr. Meginnis explained he would like to create a solution that works to the township and his client's satisfaction. If there was a solution that was mutually beneficial to the township to satisfy some of the storm water concerns that the neighbors have with respects to the lots. **Mr. Meginnis** indicated that he thinks that it would be beneficial to have the lot lines changed because of the layout. **Council Member Sloane** responded that he would like to see a storm water management plan that addresses all of this before moving forward, especially the flooding concerns for the neighboring properties. **Council President Knowles** agreed, he also indicated that the lot consolidation does clean up the lots, bottom line is that Mr. Snyder has brought in a lot of dirt and it has caused flooding on the neighboring properties. **Council Secretary Pilieri** indicated that if this item was to be continued the neighboring residents who are present this evening be allowed to express their concerns so that **Mr. Snyder** can rectify them before coming in front of council again. **Council President Knowles** would like to see a storm water management plan that the townships engineer agrees will keep the water on these three lots and not overflow onto the adjacent properties. **Council Vice President Kisselback** indicated that there was a lack of communication with the neighboring properties that needed to be rectified. **Council Member Tokmajian** asked **Mr. Snyder** what his plans were for the property with the dilapidated fence. **Mr. Snyder** agreed to replace the fence along the back.

Council President Knowles invited Public Comment and the following speakers came forward:

Charles Kumbat, 2499 Hulmeville Road, was concerned about the flooding issue when it rains, the lack of privacy and property line concerns.

Dorothy Elliott, 1718 Woodbine Avenue, asked what the builder was going to do with the back lots and will it be a retention basin. Were the property owners contacted about the lot line change to their property?

Mr. Snyder's Response to Mrs. Elliott's concerns: The back lots will not be disturbed, will stay as vacant ground, no retention basin. The owners of the properties were notified regarding the lot line change.

Geraldine Ryan, 1702 Woodbine Avenue, flooding concerns, very old trees, wants new trees planted for privacy.

Joyce Kumbat, 2499 Hulmeville Road, can't understand why the neighboring properties were not notified of the current construction.

Steve Smalley, 1726 Woodbine Avenue, had the following concerns, the sump pump, where is the water going? The elevation of the new home is so much higher he will need Arborvitae planted for privacy. Mr. Smalley asked about the powerline that runs down the middle of one of the properties if it will be relocated, if so, where.

Mr. Snyder's response to Mr. Smalleys concerns: The powerline is so dilapidated that Mr. Snyder proposed to Verizon to have the pole moved over to the front on 2509 Hulmeville Road. Mr. Snyder would be willing to do fencing or planting of shrubs for privacy concerns but would need to correspond with the neighbors for access to their property.

Council Vice President Kisselback motioned to table this item, **Council Member Tokmajian** seconded and the motion carried 5-0.

Tabled to a date certain of June 24th, 2019.

8. CONSIDERATION OF AN AMENDED FINAL LAND DEVELOPMENT:

Applicant: Street Road Outdoor, LLC
Location: 4767 Street Road
Proposed Use: Monument Display Use w/Accessory Features
Zoning Classification: BP (Business Professional)
Tax Parcel: 2-4-188 & 2-4-189

Attorney Mr. Robert Gundlach, Jr., Fox Rothschild, LLC and **Mr. Ari Christakis**, Vice President of Development at Catalyst appeared for the applicant to discuss the recommendations regarding the fence provided by council at the last meeting of March 11th, 2019. **Mr. Christakis** worked up sheet nineteen which shows every fence at every location every height, the detail for it so there is no misunderstanding as to what fence is going where. The roller added to the top of the fences will deter the dogs and other animals from jumping the fences. **Council Member Sloane** was concerned about the 4 ft. fence area due to the larger dogs and recommended a 6 ft. fence, no rollers at the top, the applicant was in agreement regarding that recommendation.

Council Member Tokmajian made a motion to accept the amended plan with the 4 ft. fence being changed to 6 ft. with no rollers and revising the remainder of the perimeter of the fence to 6 ft. with the rollers as proposed, **Council Member Sloane seconded**, **Solicitor Pizzo** indicated that all of the conditions of the minor land development and lot consolidation approval that were previously granted will remain in effect as will the conditions of the conditional use approval previously granted by council as well, the motion carried 5-0.

9. CONSIDERATION OF A FINAL LAND DEVELOPMENT PLAN:

Applicant: Faith Unity, Inc.
Location: 3580 Richlieu Road (NWC Richlieu & Galloway Roads)
Proposed Use: Religious Institution
Zoning Classification: IN – Institutional
Tax Parcel: 2-1-55-2

Attorney Stanton Kelton appeared for the applicant, **Solicitor Pizzo** indicated that this had originally been advertised for a prior date certain. The meeting to which it had been advertised was postponed and what happened was the applicant had sent out new letters to all of the adjacent property owners letting them know that the meeting had been rescheduled to this evening. **Solicitor Pizzo** indicated the notices to the adjacent property owners are in order. **Solicitor Pizzo** reminded council that this applicant had already gone through preliminary land development approval. The township granted preliminary land approval back in November of 2015, so tonight is the final land development approval which essentially would be going through Engineer Gans' review memo to see what issues are still outstanding from preliminary approval and any other issues that might still be open. **Solicitor Pizzo** indicated as to the

Traffic Impact question to the Traffic Engineer has weighed in and made a recommendation to the township Impact Fee Advisory Board the applicant will comply with the determinations of the Impact Fee Advisory Board unless they are wholly inconsistent with their recommendations township Traffic Engineer. Mr. Kelton intends to comply with all of the comments of the Traffic Engineer. In regards to Engineer Gans' memo of January 23rd, 2019 a lengthy discussion ensued regarding the background of those waivers for those council members who were not present during the 2015 meeting. Other topics discussed were PennDOT, traffic signals, sidewalks, driveways and drainage.

Council President Knowles invited public comment, seeing no one come forward the public portion was closed.

Council Member Sloane made a motion to approve as presented, **Council Vice President Kisselback** seconded and the motioned carried 5-0.

10. PUBLIC COMMENT:

Council President Knowles invited additional Public Comment and the following speakers came forward:

Barbara Ziedler, 1108 Ohio Avenue, indicated there was a spot on Hulmeville Road near Gibson where there is a rut in the road. Mrs. Ziedler's request was to have the township call PennDOT to smooth the rut in the road.

Lindsay Willett, 2136 Bristol Pike, spoke in regards to a proposed Resolution pertaining to Fair Districts PA.

Gerrymandering - Definition

Manipulate the boundaries of (an electoral constituency) so as to favor one party or class.

Synonyms:

manipulate · arrange fraudulently · interfere with · influence · gerrymander · juggle · massage · distort · misrepresent · pervert · maneuver · tamper with · tinker with

Patricia Mackley, 2453 Ogden Avenue, front of property where the asphalt meets the grass Mrs. Mackley had 4 x 4 pressure treated wood which was partially destroyed and dented into the front of her lawn. Mrs. Mackley was asking if this will be fixed. Administration will look into Mrs. Mackley's request.

Dennis McGuire, 2463 Ogden Avenue, was concerned as to when the work in front of his house was going to be done.

Seeing no one else come forward, the second of two public comments was closed.

11. OTHER BUSINESS:

Council Member Sloane asked if there was an update on Jim Ryan's replacement for the Director of Public Works. The **Mayor** indicated that the gentleman that was recently hired is being considered for the Director of Public Work position. **Council Member Sloane** asked how many candidates applied for the position. The **Mayor** indicated that there were six or seven applicants.

The **Mayor** mentioned his attendance at the wake of the State Trooper who passed away while on duty and asked if everyone would please keep his family in their prayers. The **Mayor** thanked all the volunteers involved regarding the Memorial Day Parade and said not to wait for a holiday to thank a Veteran.

Council Member Tokmajian asked for an update on the Bristol Pike and Tennis Avenue. Quinton Nearon indicated that it is Highland and Tennis Avenue and Quinton met with Public Works about a week ago and they are ready to put the "No Stopping" signs up as soon as the person who handles the signs returns from being out sick. Ken Farrell is in the process of setting up meetings with the property owners in that area to get an idea of exactly what the situation is that is going on in that area. The **Mayor** addressed **Council Member Tokmajian** regarding his list of questions that he has for that business and suggested that he give his list of concerns to the **Mayor** and they would be answered accordingly. Council Member Tokmajian congratulated the BHS Robotics team once again on their accomplishment at the FIRST World Championships held in Detroit.

Council Secretary Pilieri, announced that the Phillies were winning 4-3 at the top of the seventh.

Council Vice President Kisselback, mentioned the Memorial Day Parade and a special thank you to the Gold Star families.

Council President Knowles thanked the VFW group in Andalusia who sponsored the Memorial Day Parade.

12. **ADJOURNMENT:**

There being no other business to discuss **Council Secretary Pilieri** made a motion to adjourn.

Respectfully Submitted,

Debora F. McBreen
Recording Secretary